

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

RUSSELL BOUDRIE and BERTRAM  
KEMPROTH on behalf of themselves  
and a similarly situated class,

Plaintiffs,

CASE NO. 05-CV-74097

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

-vs-

TENNECO AUTOMOTIVE OPERATING  
COMPANY,

Defendant,

\_\_\_\_\_ /

**ORDER GRANTING PETITION OF CLASS COUNSEL  
FOR ATTORNEY'S FEES AND EXPENSES**

This matter comes before the Court on the Petition of Class Counsel for attorney fees and expenses for entry of an Order approving fees and expenses for Class Counsel pursuant to the Settlement Agreement of the parties.

1. This action is to enforce the rights of retirees and surviving spouses to health care benefits under a collectively bargained health care plan administered by Tenneco Automotive Operating Company.
2. Plaintiffs brought this class action under Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185, and under Section 502(a)(1)(B) of ERISA to recover benefits due and to enforce the rights of Class Members under the terms of the Plan.
3. The parties entered into a Settlement Agreement under which Tenneco Automotive agreed to pay \$55,000 in attorney fees and costs, subject to the approval of this Court.
4. In the Final Judgment entered by this Court on April 26, 2007, this Court finally

approved the Settlement Agreement, finally certified the Class, and confirmed its earlier appointment of Roger J. McClow and the law firm Klimist, McKnight, Sale, McClow & Canzano, P.C., as Class Counsel.

5. Section 502(g) of ERISA, 29 U.S.C. § 1132(g), provides that the Court, in its discretion, may allow reasonable attorney fees and costs to either party.
6. As shown by the Affidavit of Roger J. McClow, the firm of Klimist, McKnight, Sale, McClow & Canzano, P.C., has spent \$5,417.93 in expenses and spent 340.25 hours in representing the class in this matter.
7. The requested attorney fees, after deduction of expenses, are at the hourly rate of approximately \$145.00 per hour.
8. The Court finds that an award of \$55,00 in costs and attorney fees is reasonable.<sup>1</sup>

**IT IS HEREBY ORDERED** that Class Counsel be paid \$55,00 in attorney fees and costs.

**IT IS FURTHER ORDERED** that Tenneco shall deliver the above-referenced amount to Class Counsel within 30 days of the entry of this Order.

**SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: August 23, 2007

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<sup>1</sup> The fact that the attorney fees and costs comprise approximately 40% of the Class award in this particular case shall not be construed to mean that 40% in attorney fees and costs would be reasonable in other class action settlements. This unique case involved a small settlement corpus, and a complex situation that necessitated significant legal work by class counsel.

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 23, 2007.

s/Denise Goodine

Case Manager